

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

Kenneth Irish, Denise Marshall, Allen Moore and Scott Stillwell, on behalf of themselves and on behalf of all others similarly situated, a class action,

Civil File No. 08-469

Plaintiffs,

v.

BNSF Railway Company, Burlington Northern Santa Fe Corporation, William Barbee, Francis A. Weber, John Doe #1, John Doe #2, ABC Insurance Company and DEF Insurance Company,

Defendants.

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Defendants BNSF Railway Company, Burlington Northern Santa Fe Corporation, William Barbee and Frank Weber appeal to the United States Court of Appeals for the Seventh Circuit from the Order of the District Court for the Western District of Wisconsin remanding this action to Grant County Circuit Court, entered in this action on May 8, 2009.

Dated: June 8, 2009

BRIGGS AND MORGAN, P.A.

By: s/ Timothy R. Thornton

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